IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3146 OF 2004

Rahul Pravin Beri .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.Aabad H.H.Ponda for the applicant.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2ND SEPTEMBER, 2004

P.C.:

. Heard Mr.Ponda, learned counsel for the applicant and Mr.Mirza, learned A.P.P. for the respondent.

2. This is the second application filed by the applicant for being released on bail in C.C.No.1021/P/2003 filed for the offences punishable under sections 465, 467, 468, 469, 471, 420 read with 34 of Indian Penal Code. This court rejected Criminal Application No.3335 of 2003 filed by the applicant by a reasoned order dated 11.12.2003 after considering the merits of the case. The only change of circumstance, according to Mr.Ponda, learned counsel for the applicant is

that the applicant has now given offer for repayment of substantial amount out of the total amount involved in the case. The total amount involved is 77,00,000/-. He further submitted that the maximum punishment which could be awarded by the Magistrate in the instant case would not be more than three years and since the applicant has undergone 17 months imprisonment so far, he is entitled to be released on bail. The application was strongly opposed by the State. Mr.Mirza, learned A.P.P. pointed out that three different banks have a charge over the property and hence the offer of the applicant cannot be accepted. He further submitted that during the investigation it was revealed that the applicant had given different addresses to the different authorities and that he does not have permanent address. Keeping in view that the applicant's earlier application was rejected on merits and while passing the order the trial was expedited and considering the overall facts and circumstances of the case I am not inclined to entertain this application. The application is, therefore, rejected.

(D.B.Bhosale, J.)